


PL 2016 00102

CONDITIONAL USE PERMIT APPLICATION  
NUMBER 16-08

APPLICANT NAME: <u>Jon R Brittenum</u>	
ADDRESS: <u>P.O. Box 3773, Fayetteville, AR 72702</u>	
EMAIL: <u>jbrittenum@cox.net</u>	PHONE: <u>479-582-8732</u>
PROPERTY OWNED BY: <u>CH Peaks, LLC</u>	
ADDRESS: <u>599 Horsebarn Road, Suite 100, Rogers, AR 72758</u>	PHONE: _____
GENERAL LOCATION OF PROPERTY: <u>Property NW of W Shasta Rd &amp; W Kilimanjaro Way</u>	
PRESENT USE: <u>Vacant</u>	ZONED: <u>R-O</u>
CONDITIONAL USE TO ALLOW: <u>Development of Multi-Family Residential</u>	
PARKING SPACES AVAILABLE: <u>N/A</u>	HOURS OF OPERATION: <u>N/A</u>
 APPLICANT SIGNATURE	
TO BE INCLUDED WITH APPLICATION:	
<ul style="list-style-type: none"><li>• LEGAL DESCRIPTION OF PROPERTY</li><li>• LETTER FROM APPLICANT</li><li>• APPLICANT CERTIFICATION</li><li>• COPY OF ANY PROTECTIVE COVENANTS</li></ul>	
IF APPLYING TO OPEN A DAY CARE, COMPLETE THE FOLLOWING:	
NUMBER OF CHILDREN: <u>N/A</u>	MOST CHILDREN AT ONE TIME _____
<u>SHADOW BROOKE @ THE PEAKS</u>	
PLANNING AUTHORITY PROVIDES:	
PUBLIC HEARING DATE: <u>4-5-16</u>	DATE FILED <u>3-17-16</u> APPLICATION FEE: <u>\$100</u>
PLANNING COMMISSION ACTION _____	DATE _____ PERMIT EXPIRES _____
OTHER INFORMATION: _____	
_____	

BAFES  
#12846



Planning and Transportation  
301 W. Chestnut  
Rogers, Arkansas 72756  
479-621-1186  
(FAX) 479-986-6896  
[www.rogersar.gov](http://www.rogersar.gov)

## NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the Rogers Planning Commission in the Rogers City Hall at 301 West Chestnut Street, April 5, 2016 at 4:30 p.m. on the application by Jon R. Brittenum for a Conditional Use Permit to allow Multifamily Housing in Phase 2 of The Peaks Subdivision on 2.35 acres on the north side of W. Shasta Road/south and west of W. Kilmanjaro Way in the R-O (Residential Office) zoning district and more particularly described as follows:

### LEGAL DESCRIPTION:

A PART OF LOT 14 OF THE PEAKS SUBDIVISION, PHASE 2, AS SHOWN ON PLAT OF SAID ADDITION RECORDED IN BOOK 2004 AT PAGE 868, AND BEING A PART OF SECTION 27, TOWNSHIP 19 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING AT AN EXISTING REBAR MARKING THE NORTHEAST CORNER OF SAID LOT 14 AND RUNNING THENCE N87°06'13"W 177.73' TO AN EXISTING REBAR, THENCE N01°59'46"E 32.83' TO AN EXISTING REBAR, THENCE N87°04'29"W 330.12', THENCE S02°58'04"W 249.74' TO THE TRUE POINT OF BEGINNING AND RUNNING THENCE S87°01'59"E 230.89', ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 30.00' FOR A CHORD BEARING AND DISTANCE OF S40°46'36"E 43.35', THENCE S05°28'44"W 340.74', ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 30.00' FOR A CHORD BEARING AND DISTANCE OF S47°58'09"W 40.53', THENCE N89°32'27"W 176.38', ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 525.00' FOR A CHORD BEARING AND DISTANCE OF S88°12'37"W 41.20', THENCE N02°54'37"E 201.52', THENCE N03°01'16"E 210.00' TO THE POINT OF BEGINNING, CONTAINING 2.35 ACRES, MORE OR LESS. SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

### LAYMAN'S DESCRIPTION:

2.35 acres on the north side of W. Shasta Road/south and west of W. Kilmanjaro Way

Jim White, Secretary  
Rogers Planning Commission

**PUBLISH ONE TIME ONLY, 3-21-16**

BILL THE CITY OF ROGERS



## CERTIFICATION

I hereby certify that I have made a thorough search of all pertinent sources, to include my deed, abstract and the Benton County Clerk's office and have found no covenants or any evidence that covenants exist for the property identified in my application for a Conditional Use Permit. Or that if covenants do exist there is no covenant specified therein prohibiting the use I have requested.

I also state that to the best of my knowledge all property owners within 300 feet of my property have been notified by certified mail of the upcoming public hearing for my conditional use request.

Dated this the 17<sup>th</sup> day of MARCH, 2016.

Signed

JON R BRITTENUM JR

Name Printed

STATE OF ARKANSAS

COUNTY OF Washington

Subscribed and sworn before me this the 17<sup>th</sup> day of March, 2016.

Regan Maxon

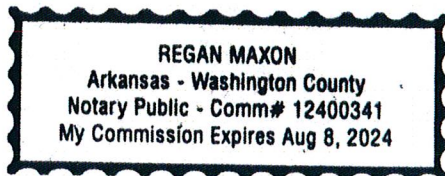
Notary Signature

Regan Maxon

Notary Name Printed

8/8/2024

Commission Expires





**Bates &  
Associates, Inc.**

**Civil Engineering & Surveying**

7230 S. Pleasant Ridge Dr / Fayetteville, AR 72704

PH: 479-442-9350 \* FAX: 479-521-9350

March 17, 2016

City of Rogers Planning Commision,

This letter is to request a Conditional Use Permit for Shadowbrooke at the Peaks to allow the construction of a Multi-Family Residential building in the R-O Zoning District.

Shadowbrooke at the Peaks will be a 76-unit Multi-Family Residential development on Benton County Parcels 02-16715-002, 02-16715-003, 02-16715-005, and 02-16715-004, within the city limits of Rogers, Arkansas. Parcel 02-16715-004, zoned R-O, is subject to this conditional use permit. The remaining parcels are zoned RMF-9A, and therefore the developer will not need to request a Conditional Use Permit for multi-family development on those parcels.

As this is a residential development, there is an expected increase in traffic, especially during morning and afternoon commuting hours. The Peaks Subdivision was created with this assumption of increased traffic.

There is no expected additional parking other than what is required under the Large Scale Development requirements.

No signs will be installed with this development.

There will be no flammable or hazardous materials present on-site.

No additional noise will be generated from this operation other than normal operation of automotive vehicular traffic. No additional lighting would result from this development other than that deemed necessary for standard night time security purposes.

We cannot think of any other pertinent information that would be relevant to this permit.

Thank you for your consideration of this permit,

Sincerely  
**Bates & Associates, Inc.**

Geoffrey H. Bates, P.E.



